

Executive Summary – Enforcement Matter – Case No. 46484
Valero Refining-Texas, L.P.
RN100238385
Docket No. 2013-0588-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero Refining Texas City Refinery, 1301 Loop 197 South, Texas City, Galveston County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 16, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,938

Amount Deferred for Expedited Settlement: \$1,587

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,351

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 46484
Valero Refining-Texas, L.P.
RN100238385
Docket No. 2013-0588-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 19 through December 3, 2012

Date(s) of NOE(s): March 8, 2013

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, Respondent released 1,221.70 pounds ("lbs") of nitrogen oxides ("NOx") and 197.61 lbs of carbon monoxide ("CO") from the Fluid Catalytic Cracking Unit ("FCCU"), during an emissions event (Incident No. 175649) that began on November 4, 2012 and lasted for 32 hours. The event occurred when a feed swing in the FCCU caused unit instability, resulting in intermittent exceedances of NOx and CO. Since this event was not properly reported, Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1253, Special Terms & Conditions No. 32, and New Source Review Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1].

2. Failed to report the estimated total quantities released during an emissions event. Specifically, Respondent reported only the unauthorized emissions released during Incident No. 175649 and not the total quantity of emissions released [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1253, General Terms & Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On February 4, 2013, Respondent conducted refresher training for Plant personnel on proper emissions event reporting.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, implement measures and/or procedures to prevent recurrence of emissions events due to the same or similar causes as Incident No. 175649; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

**Executive Summary – Enforcement Matter – Case No. 46484
Valero Refining-Texas, L.P.
RN100238385
Docket No. 2013-0588-AIR-E**

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Patrick Passantino, Environmental Manager, Valero Refining-Texas,
L.P., P.O. Box 3429, Texas City, Texas 77592-3429
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES **Assigned** 11-Mar-2013 **PCW** 19-Mar-2013 **Screening** 19-Mar-2013 **EPA Due** 3-Dec-2013

RESPONDENT/FACILITY INFORMATION

Respondent Valero Refining-Texas, L.P.
Reg. Ent. Ref. No. RN100238385
Facility/Site Region 12-Houston **Major/Minor Source** Major

CASE INFORMATION

Enf./Case ID No. 46484 **No. of Violations** 2
Docket No. 2013-0588-AIR-E **Order Type** 1660
Media Program(s) Air **Government/Non-Profit** No
Multi-Media **Enf. Coordinator** Amancio R. Gutierrez
EC's Team Enforcement Team 5
Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$4,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 100.0% Enhancement **Subtotals 2, 3, & 7** \$4,000

Notes Enhancement for two NOV's with same or similar violations, four NOV's with dissimilar violations, 10 orders containing a denial of liability, and five orders without a denial of liability. Reduction for five notices of intent to conduct an audit and one disclosure of violations.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$62

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$42
 Approx. Cost of Compliance \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$7,938

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$7,938

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$7,938

DEFERRAL 20.0% Reduction **Adjustment** -\$1,587

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$6,351

Screening Date 19-Mar-2013

Docket No. 2013-0588-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 3 (September 2011)

Case ID No. 46484

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet>> **Compliance History Site Enhancement (Subtotal 2)**

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 2 | 10% |
| | Other written NOVs | 4 | 8% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 10 | 200% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 5 | 125% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 5 | -5% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 1 | -2% |
| Please Enter Yes or No | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 336%>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%>> **Compliance History Summary****Compliance History Notes**

Enhancement for two NOVs with same or similar violations, four NOVs with dissimilar violations, 10 orders containing a denial of liability, and five orders without a denial of liability. Reduction for five notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 336%>> **Final Compliance History Adjustment****Final Adjustment Percentage *capped at 100%** 100%

Screening Date 19-Mar-2013

Docket No. 2013-0588-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 3 (September 2011)

Case ID No. 46484

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1253, Special Terms & Conditions No. 32, and New Source Review Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,221.70 pounds ("lbs") of nitrogen oxides ("NOx") and 197.61 lbs of carbon monoxide ("CO") from the Fluid Catalytic Cracking Unit ("FCCU"), during an emissions event (Incident No. 175649) that began on November 4, 2012 and lasted for 32 hours. The event occurred when a feed swing in the FCCU caused unit instability, resulting in intermittent exceedances of NOx and CO. Since this event was not properly reported, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| | Harm | | |
|-----------|-------|----------|-------|
| Release | Major | Moderate | Minor |
| Actual | | | X |
| Potential | | | |

Percent 15.0%

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor |
|--|---------------|-------|----------|-------|
| | | | | |

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

2 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | |
| | quarterly | X |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | X | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.

Case ID No. 46484

Reg. Ent. Reference No. RN100238385

Media Air

Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$1,000 | 4-Nov-2012 | 30-Jul-2013 | 0.73 | \$37 | n/a | \$37 |

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events due to the same or similar causes as Incident No. 175649. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$37

Screening Date 19-Mar-2013
Respondent Valero Refining-Texas, L.P.
Case ID No. 46484
Reg. Ent. Reference No. RN100238385
Media [Statute] Air
Enf. Coordinator Amancio R. Gutierrez

Docket No. 2013-0588-AIR-E

PCW

Policy Revision 3 (September 2011)
PCW Revision August 3, 2011

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O1253, General Terms & Conditions

Violation Description Failed to report the estimated total quantities released during an emissions event. Specifically, the Respondent reported only the unauthorized emissions released during Incident No. 175649 and not the total quantity of emissions released.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | x |

Percent 1.0%

Matrix Notes

At least 70% of the rule requirements were met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

1 **Number of violation days**

mark only one
with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$62

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary | | |
| Ordinary | x | |
| N/A | | (mark with x) |

Notes

The Respondent completed corrective measures on February 4, 2013, before the NOE date of March 8, 2013.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.

Case ID No. 46484

Reg. Ent. Reference No. RN100238385

Media Air

Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$500 | 13-Nov-2012 | 4-Feb-2013 | 0.23 | \$6 | n/a | \$6 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to conduct refresher training for Plant personnel on proper emissions events reporting. The Date Required is the date the final record was submitted and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$6



Compliance History Report

PUBLISHED Compliance History Report for CN600127468, RN100238385, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600127468, Valero Refining-Texas, L.P.

Classification: SATISFACTORY

Rating: 11.61

Regulated Entity:

RN100238385, VALERO REFINING TEXAS CITY REFINERY

Classification: SATISFACTORY

Rating: 19.76

Complexity Points:

33

Repeat Violator: NO

CH Group:

02 - Oil and Petroleum Refineries

Location:

1301 LOOP 197 S TEXAS CITY, TX 77590, GALVESTON COUNTY

TCEQ Region:

REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER GB0073P

POLLUTION PREVENTION PLANNING ID NUMBER P00523

AIR OPERATING PERMITS PERMIT 1253

WASTEWATER PERMIT WQ0000449000

WASTEWATER EPA ID TX0006009

AIR NEW SOURCE PERMITS REGISTRATION 48330

AIR NEW SOURCE PERMITS PERMIT 962

AIR NEW SOURCE PERMITS REGISTRATION 53530

AIR NEW SOURCE PERMITS REGISTRATION 75542

AIR NEW SOURCE PERMITS AFS NUM 4816700007

AIR NEW SOURCE PERMITS REGISTRATION 71076

AIR NEW SOURCE PERMITS REGISTRATION 73799

AIR NEW SOURCE PERMITS REGISTRATION 76967

AIR NEW SOURCE PERMITS REGISTRATION 79850

AIR NEW SOURCE PERMITS REGISTRATION 80059

AIR NEW SOURCE PERMITS REGISTRATION 81005

AIR NEW SOURCE PERMITS REGISTRATION 81621

AIR NEW SOURCE PERMITS REGISTRATION 82055

AIR NEW SOURCE PERMITS REGISTRATION 84575

AIR NEW SOURCE PERMITS REGISTRATION 84258

AIR NEW SOURCE PERMITS REGISTRATION 109152

AIR NEW SOURCE PERMITS REGISTRATION 95293

AIR NEW SOURCE PERMITS REGISTRATION 101958

AIR NEW SOURCE PERMITS REGISTRATION 101856

AIR NEW SOURCE PERMITS REGISTRATION 106505

AIR NEW SOURCE PERMITS REGISTRATION 109203

AIR NEW SOURCE PERMITS REGISTRATION 109191

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD000792937

WASTE WATER GENERAL PERMIT PERMIT TXG670007

AIR NEW SOURCE PERMITS PERMIT 39142

AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0073P

AIR NEW SOURCE PERMITS PERMIT 8352

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX822

AIR NEW SOURCE PERMITS REGISTRATION 75695

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX822M2

AIR NEW SOURCE PERMITS REGISTRATION 72517

AIR NEW SOURCE PERMITS REGISTRATION 76530

AIR NEW SOURCE PERMITS REGISTRATION 77806

AIR NEW SOURCE PERMITS REGISTRATION 79881

AIR NEW SOURCE PERMITS REGISTRATION 80581

AIR NEW SOURCE PERMITS REGISTRATION 81523

AIR NEW SOURCE PERMITS REGISTRATION 81695

AIR NEW SOURCE PERMITS REGISTRATION 82462

AIR NEW SOURCE PERMITS REGISTRATION 82434

AIR NEW SOURCE PERMITS REGISTRATION 91499

AIR NEW SOURCE PERMITS REGISTRATION 109158

AIR NEW SOURCE PERMITS REGISTRATION 101760

AIR NEW SOURCE PERMITS REGISTRATION 103126

AIR NEW SOURCE PERMITS REGISTRATION 102936

AIR NEW SOURCE PERMITS REGISTRATION 109197

AIR NEW SOURCE PERMITS REGISTRATION 106956

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 30011

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #

(SWR) 30011

AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0073P

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: April 09, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 09, 2008 to April 09, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Amancio R. Gutierrez

Phone: (512) 239-3921

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/19/2008 ADMINORDER 2007-1512-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: 39142, Special Condition No. 1 PERMIT
 Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during a May 9, 2007 emissions event, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

- 2 Effective Date: 07/03/2008 ADMINORDER 2007-2039-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: 39142, Special Condition No. 1 PERMIT
 Description: Failed to maintain an emission rate below the maximum allowable emission limits from Boiler 27 [emission point number ("EPN EB-27")], Boiler 28 ("EPN EB-28"), No. 1 Flare Stack ("EPN EFL-01"), No. 2 Flare Stack ("EPN EFL-02"), No. 3 Flare Stack ("EPN EFL-03"), and No. 4 Flare Stack ("EPN EFL-04").

- 3 Effective Date: 12/04/2008 ADMINORDER 2008-0893-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: No. 39142, Special Condition No. 1 PERMIT
 Description: Exceeded permit limits during an avoidable emissions event.

- 4 Effective Date: 02/08/2009 ADMINORDER 2008-1341-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: 39142, Special Conditon No. 1 PERMIT
 Description: Valero failed to maintain the lube oil level in the compressor mainframe reservoir.

- 5 Effective Date: 02/22/2009 ADMINORDER 2007-1234-AIR-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: #39142, SC #1 PA
 Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during Incident Nos. 62478 and 62479, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions were avoidable and excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

- 6 Effective Date: 08/23/2009 ADMINORDER 2007-1813-MLM-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: 39142, SC No. 1 PA
 Description: Valero failed to prevent unauthorized emissions during a December 11, 2006 emissions event in the Topers Unit, No. 3 Crude Unit, Fluidized Catalytic Cracking Unit, Alkylolation Unit, Utilities Unit, and the Delayed Coker Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration

criteria for an affirmative defense.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC 1 PA

Description: Valero failed to prevent unauthorized emissions during a January 19, 2007 emissions event in the Fluidized Catalytic Cracking Unit, in violation of Air Permit No. 39142, Special Condition No. 1; 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY Code § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Valero failed to prevent unauthorized emissions during an emissions event in the No. 1 and 2 Toppers Unit that started on January 28, 2007, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PERMIT

Description: Valero failed to prevent unauthorized emissions during a March 4, 2007 emissions event in the Sats Gas Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

7 Effective Date: 09/21/2009 ADMINORDER 2009-0448-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Conditon No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Failure to prevent Level Indicator LI-15142 on A-82 Vacuum Tower from malfunctioning.

8 Effective Date: 10/31/2009 ADMINORDER 2007-1413-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 2A PERMIT

NSR 39142, SC 4A PERMIT

Title V O-01253, SC 1A OP

Title V O-01253, SC 22 OP

Description: Failed to maintain the net heating value of the gas being combusted by assisted flares at 300 British thermal units per standard cubic foot ("Btu/scf") or greater.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 2A PERMIT

NSR 39142, SC 4A PERMIT

Title V O-01253, SC 1A OP

Title V O-01253, SC 22 OP

Description: Failed to operate an assisted flare with an exit velocity of less than 60 feet per second ("ft/sec").

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 13C PERMIT
NSR 39142, SC 2A PERMIT
NSR 39142, SC 4A PERMIT
Title V O-01253, SC 1A OP
Title V O-01253, SC 22 OP

Description: Failed to operate flares with visible emissions not to exceed five minutes during any consecutive two hour period.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1566(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Title V O-01253, SC 1A OP

Description: Failed to maintain the daily average combustion zone temperature of Reformer Heater H-REF2 above 1279.3 degrees Fahrenheit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 2C PERMIT
Title V O-01253, SC 1A OP
Title V O-01253, SC 22 OP

Description: Failed to prevent the discharge of sulfur dioxide ("SO₂") to the atmosphere in excess of 250 parts per million ("ppm").

- 9 Effective Date: 01/28/2010 ADMINORDER 2009-1314-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 39142, Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Valero failed to prevent a flashover on Gas Circuit Breaker #3 (GCB #3), which resulted in power loss at the refinery.
- 10 Effective Date: 08/09/2010 ADMINORDER 2010-0098-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: The Respondent is alleged to have failed to prevent unauthorized emissions during an emissions event that occurred on September 12, 2009 and failed to operate a flare with a flame present at all times. Specifically, the Respondent released 1,507.79 pounds of unauthorized volatile organic compounds from Flare No. 3 into the atmosphere during the thirty-five minute event (Incident No. 129326).
- 11 Effective Date: 10/15/2010 ADMINORDER 2010-0390-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.729(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP No. O-01253, SC 1.H.ii OP
Description: Failed to operate combustion sources (28 heaters and three boilers) within the firing rates established during the highly reactive volatile organic compound ("HRVOC") emission testing at Heaters H-28, H-60, H-57, H-13-1451, H-16, H-17, H-13-1480, H-18 Through H-23, H-28, H-34, H-45, H-50, H-13-1401, and Boiler B-18 from July 1 through December 31, 2006 and again at Boilers B-18 and B-27 and Heaters H-1451, H-1480, H-16, H-17, H-28, H-31, H-32, H-57, H-58 and H-60 from November 13, 2007 through
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253, SC 30 (formerly 28) OP

FOP O-01253, SC 1A OP

NSR Permit 39142, SC 12A (formerly 13A). PERMIT

Description: Failed to operate flares with a minimum of 300 British thermal units per standard cubic feet net heating value for the gas being combusted by assisted flares (see Attachment B).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.126(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart A 63.11(b)(7)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253 SC 30 (formerly 28) OP

FOP No. O-01253, SC 1A OP

NSR Permit 39142, SC 12A (formerly 13A) PERMIT

Description: Failed to operate Flare FL-1 with a maximum exit velocity of 60 feet per second ("fps") intermittently between January 1, 2007 and May 23, 2007 (exit velocity ranged from 71.05 fps to 111.70 fps), for one hour on April 10, 2008 (exit velocity was 66.06 fps), and for one hour on August 24, 2008 (exit velocity was 73.67 fps).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253 SC 1A OP

Description: Failed to operate flares without visible emissions (emissions visible for more than five minutes in a two-hour period) from Flare FL-2 on September 25, 2007 and June 7, 2008 and from Flare FL-4 on October 29, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.119(c)(2)(iii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01253, SC 1A OP

FOP No. O-01253, SC 30 (formerly 28) OP

NSR Permit 39142, SC 4B PERMIT

Description: Failed to maintain Group 1 storage tanks free of leaks. Specifically, Tank T-478 vacuum breaker leaked for 24-hour periods on August 9, 2006, June 1, 2008, and September 14, 2009, and during each period 5.52 pounds of volatile organic compounds ("VOCs") were released; and Tank T-565 vacuum breaker leaked for 34 hours on June 17, 2008 during which 7.82 pounds of VOCs were released.

12 Effective Date: 06/20/2011 ADMINORDER 2010-1836-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 143488) that occurred on August 13, 2010, the Respondent failed to maintain the manufacturer's minimum recommended flow rate for the Atmospheric Gas Oil Pump, resulting in the unauthorized release of 2,068.46 pounds ("lbs") of volatile organic compounds, 2.62 lbs of carbon monoxide, and 0.37 lbs of nitrous oxides from the Gas Oil Hydrotreater Unit over a one hour

13 Effective Date: 11/03/2011 ADMINORDER 2010-0924-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Permit No. 39142, Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Permit 39142, Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 5C THSC Chapter 382 382.085(b)
 Description: Failed to include the compound descriptive types in the final report.

- 14 Effective Date: 11/18/2011 ADMINORDER 2010-0909-MLM-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Permit 39142, Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions at the Texas City Refinery.
- 15 Effective Date: 01/27/2012 ADMINORDER 2011-0991-AIR-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PSD-TX-882M2, Special Condition 1 PERMIT
 Special Terms and Conditions 10 OP
 Description: Failure to prevent unauthorized emissions due to the shutdown of the wet gas compressor C-151 in the Coker Unit.
 Sub-category: A8.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

| | | |
|---------|--------------------|----------|
| Item 1 | April 18, 2008 | (672046) |
| Item 2 | April 25, 2008 | (636923) |
| Item 3 | May 15, 2008 | (637714) |
| Item 4 | May 16, 2008 | (689958) |
| Item 5 | June 06, 2008 | (682334) |
| Item 6 | June 19, 2008 | (689959) |
| Item 7 | July 07, 2008 | (657176) |
| Item 8 | July 18, 2008 | (689960) |
| Item 9 | July 21, 2008 | (684727) |
| Item 10 | July 30, 2008 | (687563) |
| Item 11 | August 14, 2008 | (710740) |
| Item 12 | August 18, 2008 | (687788) |
| Item 13 | September 19, 2008 | (710741) |
| Item 14 | September 20, 2008 | (686586) |
| Item 15 | October 16, 2008 | (671077) |
| Item 16 | October 17, 2008 | (710742) |
| Item 17 | October 24, 2008 | (687335) |

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| Item 18 | October 27, 2008 | (686049) |
| Item 19 | October 28, 2008 | (686938) |
| Item 20 | October 29, 2008 | (686783) |
| Item 21 | November 17, 2008 | (727485) |
| Item 22 | November 20, 2008 | (703368) |
| Item 23 | December 15, 2008 | (686189) |
| Item 24 | December 16, 2008 | (701325) |
| Item 25 | December 17, 2008 | (700705) |
| Item 26 | December 18, 2008 | (727486) |
| Item 27 | January 06, 2009 | (689065) |
| Item 28 | January 20, 2009 | (706090) |
| Item 29 | February 04, 2009 | (704245) |
| Item 30 | February 05, 2009 | (723030) |
| Item 31 | February 12, 2009 | (684569) |
| Item 32 | February 16, 2009 | (700894) |
| Item 33 | February 20, 2009 | (702755) |
| Item 34 | March 11, 2009 | (750276) |
| Item 35 | March 18, 2009 | (726731) |
| Item 36 | March 20, 2009 | (725138) |
| Item 37 | April 16, 2009 | (750277) |
| Item 38 | April 24, 2009 | (739887) |
| Item 39 | May 04, 2009 | (741618) |
| Item 40 | May 12, 2009 | (768371) |
| Item 41 | May 18, 2009 | (742104) |
| Item 42 | June 12, 2009 | (768372) |
| Item 43 | June 15, 2009 | (749180) |
| Item 44 | July 16, 2009 | (749643) |
| Item 45 | July 21, 2009 | (745746) |
| Item 46 | July 24, 2009 | (747873) |
| Item 47 | July 27, 2009 | (748462) |
| Item 48 | August 04, 2009 | (763276) |
| Item 49 | August 12, 2009 | (747867) |
| Item 50 | August 13, 2009 | (741161) |
| Item 51 | August 14, 2009 | (759251) |
| Item 52 | August 20, 2009 | (804672) |
| Item 53 | August 21, 2009 | (759999) |
| Item 54 | August 28, 2009 | (765498) |
| Item 55 | September 02, 2009 | (748460) |
| Item 56 | September 04, 2009 | (749814) |
| Item 57 | September 16, 2009 | (762161) |
| Item 58 | September 17, 2009 | (804673) |
| Item 59 | September 28, 2009 | (748457) |
| Item 60 | October 08, 2009 | (760318) |
| Item 61 | October 20, 2009 | (804674) |
| Item 62 | October 21, 2009 | (565970) |
| Item 63 | November 20, 2009 | (747602) |
| Item 64 | November 23, 2009 | (779180) |
| Item 65 | December 17, 2009 | (804676) |
| Item 66 | December 23, 2009 | (781696) |
| Item 67 | January 05, 2010 | (782111) |
| Item 68 | January 15, 2010 | (785874) |
| Item 69 | January 22, 2010 | (747282) |
| Item 70 | January 26, 2010 | (788199) |
| Item 71 | January 27, 2010 | (788843) |
| Item 72 | February 15, 2010 | (804671) |
| Item 73 | February 19, 2010 | (792191) |
| Item 74 | March 12, 2010 | (830889) |
| Item 75 | April 20, 2010 | (830890) |
| Item 76 | May 10, 2010 | (801088) |
| Item 77 | May 19, 2010 | (830891) |

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| Item 78 | May 24, 2010 | (802297) |
| Item 79 | May 25, 2010 | (797648) |
| Item 80 | May 28, 2010 | (824427) |
| Item 81 | June 18, 2010 | (846271) |
| Item 82 | June 21, 2010 | (800153) |
| Item 83 | July 15, 2010 | (828774) |
| Item 84 | July 16, 2010 | (860865) |
| Item 85 | July 20, 2010 | (826313) |
| Item 86 | July 27, 2010 | (801557) |
| Item 87 | July 28, 2010 | (826312) |
| Item 88 | August 11, 2010 | (866832) |
| Item 89 | September 01, 2010 | (850029) |
| Item 90 | September 02, 2010 | (829922) |
| Item 91 | September 16, 2010 | (864357) |
| Item 92 | September 18, 2010 | (873903) |
| Item 93 | October 04, 2010 | (864780) |
| Item 94 | October 12, 2010 | (849414) |
| Item 95 | October 19, 2010 | (881504) |
| Item 96 | October 29, 2010 | (872316) |
| Item 97 | November 05, 2010 | (849415) |
| Item 98 | November 19, 2010 | (888032) |
| Item 99 | December 16, 2010 | (896243) |
| Item 100 | January 04, 2011 | (881399) |
| Item 101 | January 10, 2011 | (878170) |
| Item 102 | January 12, 2011 | (886105) |
| Item 103 | January 20, 2011 | (902307) |
| Item 104 | February 18, 2011 | (885229) |
| Item 105 | March 10, 2011 | (899835) |
| Item 106 | March 16, 2011 | (886109) |
| Item 107 | March 17, 2011 | (916346) |
| Item 108 | April 19, 2011 | (924810) |
| Item 109 | May 09, 2011 | (877771) |
| Item 110 | May 10, 2011 | (886110) |
| Item 111 | May 12, 2011 | (885710) |
| Item 112 | May 19, 2011 | (938028) |
| Item 113 | May 20, 2011 | (877776) |
| Item 114 | May 23, 2011 | (877660) |
| Item 115 | May 24, 2011 | (905597) |
| Item 116 | June 08, 2011 | (908593) |
| Item 117 | June 09, 2011 | (945397) |
| Item 118 | June 21, 2011 | (914373) |
| Item 119 | June 24, 2011 | (906931) |
| Item 120 | July 01, 2011 | (932947) |
| Item 121 | July 19, 2011 | (952626) |
| Item 122 | August 15, 2011 | (944537) |
| Item 123 | August 17, 2011 | (948258) |
| Item 124 | August 18, 2011 | (933228) |
| Item 125 | August 19, 2011 | (959307) |
| Item 126 | August 31, 2011 | (950709) |
| Item 127 | September 20, 2011 | (965340) |
| Item 128 | October 20, 2011 | (971380) |
| Item 129 | November 07, 2011 | (914369) |
| Item 130 | November 17, 2011 | (977539) |
| Item 131 | November 18, 2011 | (962497) |
| Item 132 | December 02, 2011 | (956881) |
| Item 133 | December 13, 2011 | (984307) |
| Item 134 | January 04, 2012 | (970998) |
| Item 135 | January 09, 2012 | (970997) |
| Item 136 | January 17, 2012 | (974671) |
| Item 137 | January 19, 2012 | (971000) |

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| Item 138 | February 02, 2012 | (981576) |
| Item 139 | February 06, 2012 | (982140) |
| Item 140 | February 07, 2012 | (982239) |
| Item 141 | February 10, 2012 | (983561) |
| Item 142 | February 14, 2012 | (982387) |
| Item 143 | February 16, 2012 | (987692) |
| Item 144 | February 18, 2012 | (997969) |
| Item 145 | March 19, 2012 | (1003493) |
| Item 146 | March 21, 2012 | (983702) |
| Item 147 | March 27, 2012 | (983705) |
| Item 148 | April 04, 2012 | (995249) |
| Item 149 | April 10, 2012 | (994491) |
| Item 150 | April 19, 2012 | (1010057) |
| Item 151 | May 11, 2012 | (1016452) |
| Item 152 | June 06, 2012 | (900821) |
| Item 153 | June 07, 2012 | (1007407) |
| Item 154 | August 03, 2012 | (1022565) |
| Item 155 | August 17, 2012 | (1037943) |
| Item 156 | September 17, 2012 | (1046676) |
| Item 157 | October 10, 2012 | (1060882) |
| Item 158 | October 22, 2012 | (1037620) |
| Item 159 | October 30, 2012 | (1037319) |
| Item 160 | November 19, 2012 | (1060883) |
| Item 161 | December 18, 2012 | (1060884) |
| Item 162 | January 02, 2013 | (1051979) |
| Item 163 | January 31, 2013 | (1051510) |
| Item 164 | February 01, 2013 | (1051593) |
| Item 165 | March 05, 2013 | (1059008) |

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 04/13/2012 (994493) CN600127468
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter G 117.8120(2)(B)
5C THSC Chapter 382 382.085(b)
Description: Failure to sample CO emissions with the relative accuracy test audit (RATA) of the NOX
and O2 diluent analyzer of boilers TB-6, TB-7, B-32 & B-33 (B-1)

- 2 Date: 05/31/2012 (1024171) CN600127468
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 06/14/2012 (886108) CN600127468
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Requirement 4(B)(vi) PA
ST&C 32 OP
Description: Failure to comply with the allowable emissions limit for ammonia for Boiler B-33
[Category B13].

- 4 Date: 06/30/2012 (1031566) CN600127468
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 5 Date: 10/16/2012 (1029185) CN600127468
Self Report? NO Classification: Minor

Published Compliance History Report for CN600127468, RN100238385, Rating Year 2012 which includes Compliance History (CH) components from April 09, 2008, through April 09, 2013.

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(3)
5C THSC Chapter 382 382.085(b)
SC 26 PERMIT
STC 32 OP

Description: Incinerator temperature below 1200 degree Fahrenheit (C4).
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-6
5C THSC Chapter 382 382.085(b)
SC 14E PERMIT
STC 32 OP

Description: Three open ended lines in VOC service (C10).
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 52 PERMIT
STC 32 OP

Description: Boiler 31 exceeded the permitted firing rate (C4).
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Diesel powered generator tested during the hours of 6 A.M. and 12 noon (C4).
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
5C THSC Chapter 382 382.085(b)
General Conditions OP

Description: Failed to list NSR permit number as the applicable requirement for which the deviations occurred (C3).

6 Date: 04/08/2013 (1057067) CN600127468

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter R 335.504(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)

Description: Failure to conduct complete and correct hazardous waste determinations for waste stream(s) generated at the facility.

F. Environmental audits:

Notice of Intent Date: 06/02/2008 (684099)
No DOV Associated

Notice of Intent Date: 08/29/2008 (704521)
No DOV Associated

Notice of Intent Date: 01/12/2009 (735551)
No DOV Associated

Notice of Intent Date: 01/24/2010 (797835)
Disclosure Date: 07/29/2010

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(i)

Rqmt Prov: ORDER SSMP procedure no. 5

Description: Failure to have an authorized personnel complete SSMP forms.

Viol. Classification: Minor

Citation: 40 CFR Part 63, Subpart UUU 63.1568(a)(3)

Description: Failure to provide documentation to support that pumps on either SRU tailgas incinerator CEM's were replaced in 2008 or 2009.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.7(e)

30 TAC Chapter 112, SubChapter A 112.8(c)

Description: Failure to conduct inspections and internal tests on four atmospheric storage tanks.

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT G 68.175(e)(1)

Description: Failure to complete question 7.4c in the RMP submittal. Failure to provide an accurate expected/actual completion PHA date.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Flexible permit no. 39142 SC 66

Description: Failure to maintain coke moisture content values at 8%.

Notice of Intent Date: 02/18/2011 (905309)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VALERO REFINING-TEXAS, L.P.
RN100238385**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-0588-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining-Texas, L.P. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 1301 Loop 197 South in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 13, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Nine Hundred Thirty-Eight Dollars (\$7,938) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Three Hundred Fifty-One Dollars (\$6,351) of the administrative penalty and One Thousand Five Hundred

- Eighty-Seven Dollars (\$1,587) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
 9. The Executive Director recognizes that on February 4, 2013, the Respondent conducted refresher training for Plant personnel on proper emissions event reporting.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1253, Special Terms & Conditions No. 32, and New Source Review Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1, as documented during a record review conducted from November 19 through December 3, 2012. Specifically, the Respondent released 1,221.70 pounds ("lbs") of nitrogen oxides ("NOx") and 197.61 lbs of carbon monoxide ("CO") from the Fluid Catalytic Cracking Unit ("FCCU"), during an emissions event (Incident No. 175649) that began on November 4, 2012 and lasted for 32 hours. The event occurred when a feed swing in the FCCU caused unit instability, resulting in intermittent exceedances of NOx and CO. Since this event was not properly reported, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to report the estimated total quantities released during an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1253, General Terms &

Conditions, as documented during a record review conducted from November 19 through December 3, 2012. Specifically, the Respondent reported only the unauthorized emissions released during Incident No. 175649 and not the total quantity of emissions released.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2013-0588-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to prevent recurrence of emissions events due to the same or similar causes as Incident No. 175649; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Patricia J. J. J.
For the Executive Director

9/18/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Patrick Passantino
Signature

6/18/2013
Date

PATRICK PASSANTINO
Name (Printed or typed)
Authorized Representative of
Valero Refining-Texas, L.P.

ENVIRONMENTAL MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.